

Application No.: 09/737,536

**REMARKS/ARGUMENTS**

As agreed with the Examiner, Claims 1, 14 and 27 are amended to more particularly point out the claimed invention. The claims are amended to recite "wherein the intensity values indicate nucleic acid hybridization". The support for this amendment can be found in, for example, pages 13, line 17. The claims are also amended to define the subscripts  $i$  and  $k$ . This amendment is supported by the specification, for example, at page 23. No new matter is presented by the amendments.

***Attorney's Statement of the Substance of the Interview under 37 CFR §1.1333***

Applicants' attorney thanks the Examiner for a *telephonic* interview on November 16, 2004. Applicants' attorney Wei Zhou and Examiner Ardin Marscheel participated in the interview.

Claims 1-31 are rejected under 35 USC Section 101 (nonstatutory subject matter). The Examiner indicates that it was not clear whether the term intensity values are hybridization related. Applicants' attorney and the Examiner then discussed possible amendments to clarify and agree with an amendment to recite "wherein the intensity values indicate nucleic acid hybridization".

The Examiner also pointed out that Claim 1, 14 and 27 do not define subscripts  $i$  and  $k$ , even though they are defined in the specification. The Examiner suggested an amendment to add the definition of the subscripts.

Application No.: 09/737,536

**CONCLUSION**


Applicants believe all pending claims are now in condition for allowance. If the Examiner has any questions pertaining to this application or feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 731-5000.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Date: 12-8-2004

By   
Wei Zhou Reg. No.: 44,419

Customer No.: 22886  
Legal Department  
Affymetrix, Inc.  
3380 Central Expressway  
Santa Clara, CA 95051  
Tel: 408/731-5000  
Fax: 408/731-5392